

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species : species I Figures 1a-1c, species II, Figure 2a, species III Figure 2b, and species IV Figures 3a-4. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

2. Newly submitted claims 3-13 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are drawn to additional embodiments that have the sheet sensor disposed in a cavity extending upwardly from the bottom of the seat cushion or soft pad whereby various soft materials or slabs having various shapes are inserted within the cavity to prevent a sheet sensor from being removed from the

cavity. The claims are further drawn to a soft pad having a slit that extends from the side surface to the center for inserting a sheet material.

Since applicant has received an action on the merits for the **originally patented invention**, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 3-13 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. This application is in condition for allowance except for the presence of claims 3-13 directed to species non-elected by original presentation. Accordingly, claims 3-13 must be cancelled before application is passed to issue.
4. Applicant is given TWO MONTHS from the date of this letter, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Allowable Subject Matter

5. Claims 1-2 are allowed over the prior art made of record.
6. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference Nos. 6,073,998 and German Patent DE 199 63 146 A1 show features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony D Barfield/
Primary Examiner, Art Unit 3636

adb
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